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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/172,577	10/13/1998	RICHARD H. HALL	BLANKET-358	9469

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CHRISTOPHER JOHN RUDY
209 HURON AVE
PORT HURON, MI 48060

EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks

In response to the Remand to the Examiner by the Board of Patent Appeals and Interference, the Examiner provides the following statement to further explain the issues concerning the status of the declarations filed Jun 24, 2002 (Paper No. 38) and Aug 30, 2002 (Paper No. 42). Regarding the declaration filed Jun 24, 2002, the appellant argues that the IDS (Popular Mechanics, "sludge Pits", Jul 2002) provided along with the declaration "would dispose of any weight to the Examiners' argument that extended oil changes are viable with other known technology than that of the present claimed invention...as claimed in our claims 51 and 52." As noted by the Examiner on Jul 16, 2002, Paper No. 40, such IDS has not been considered for failing to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e) and it lacks the petition fee set forth in CFR 1.17(p). Therefore, the declaration has not been entered. Furthermore, even if the IDS has been considered, such article would not negate the Examiner's view that there exists a known technology that would extend the life of lubricant oil. The article, "Sludge Pits", only discusses about an automakers, Toyota, who recommends to the customers to change oil more frequently than the original recommendation of 7500 miles. However, as provided by the Examiner, Fujiyama, JP 02082304 A, shows a technology that prevents oxidation of stored oil due to oxygen in the air. Moreover, there are a numerous products available to enhance the life of the oil such as TVT Anti-Friction Metal Treatment, as shown in Exhibit A. This technology claims that the treatment "extends interval between oil changes".

As to the matter of the declaration filed Aug 30, 2002, the Examiner had interpreted the Board of Appeals and Interference' Remand to the Examiner on Sep 24, 2002 as an Order to consider the IDS albeit the submission did not meet the criteria set forth in 37 CFR 1.97 and 1.98, and 1.17(p). Therefore, the declaration has been entered. the appellant argues, in the declaration, that the IDSs provided along therewith "completely disposes of the Examiners' argument that extended oil changes are viable with other technology than that of the present claimed invention...as in our claims 51 and 52. Again, such IDSs do not negate "completely" that the Examiner's view that there exists at least one known technology that would extend the life of lubricant oil. The Examiner's evidences and reasons as set forth above can be applied in this case as well since the appellant's issue remains the same.

encl: Exhibit A


CHONG H. KIM
PRIMARY EXAMINER